

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY TOMON, et al.,)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-12539-MLW
)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	
Defendant.)	

ORDER

WOLF, D.J.

February 14, 2012

Defendant has filed a Motion for Order to Require Plaintiffs to Send Notice of Proposed Settlement and Notice to Additional Class Members (the "Motion"). Plaintiffs have filed a declaration in response, stating that they await additional documentation from defendant showing that the individuals at issue should be included in the class. Defendant has filed such documentation. Plaintiffs have subsequently filed another declaration stating that notices will be sent to thirteen of the fourteen individuals for which defendant has provided documentation, and contesting the inclusion of Evan Croft in the class.

Defendant also asserts in a declaration that eight individuals who received the class notice should not be included in the class, as they left Entergy before the class period commenced. However, these individuals were not mentioned in the Motion.

In addition, defendant asserts that Kenneth W. Garrell, Paula K. Kernan, Gaye M. Lindsay, Sheila A. McGrail, Bernice A. Reynolds, and Joanne F. Ryan are members of the class with regard to their

claims under the Fair Labor Standards Act (the "FLSA"), and should, accordingly, receive notice of the proposed settlement.

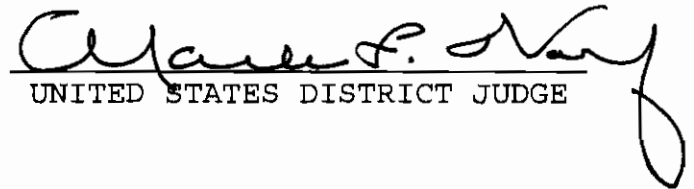
On November 5, 2010, the court allowed plaintiffs' Motion for Leave to Maintain a Collective Action on the FLSA overtime compensation claims on behalf of all persons who filed consents with this court to become party plaintiffs on the FLSA claims and who remain as opt-in plaintiffs. See Nov. 5, 2010 Order (Docket No. (360); Plaintiffs' Mem. in Support of Mot. for Leave to Maintain Collective Action at 1 (Docket No. 266). On November 5, 2010, the court also allowed plaintiffs' Motion for Certification of a Rule 23 Class on the overtime compensation claims under M.G.L. c. 151 §1A. See Nov. 5, 2010 Order.

The six individuals identified by defendant each opted out of the Rule 23 class in a timely manner. Plaintiffs report that these individuals are also not members of the FLSA class, as they are not named plaintiffs and did not file consents to sue or opt into the FLSA collective action. However, plaintiffs have not reported whether the listed individuals actually received the FLSA class notice, mailed in 2006, and were given an opportunity to opt into the class in a timely manner.

Accordingly, it is hereby ORDERED that:

1. By February 20, 2012, the parties shall confer and report whether they have resolved these issues.
2. By February 20, 2012, plaintiffs shall also report whether

Kenneth W. Garrell, Paula K. Kernan, Gaye M. Lindsay, Sheila A. McGrail, Bernice A. Reynolds, and Joanne F. Ryan received notice of the FLSA class pursuant to the July 17, 2006 Order (Docket No. 27).


UNITED STATES DISTRICT JUDGE